

# COMMONWEALTH OF KENTUCKY

Kentucky Department of Education

Consolidated Compliance Plan

For

Non-Discrimination in

The Age Discrimination Act of 1975,  
Title II of the ADA, Title VI and Title VII of  
the Civil Rights Act of 1964, and Title IX of  
the Education Amendments of 1972

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## **I. Glossary of Terms**

**Compliance Coordinator:** KDE employee designated to coordinate all Age Discrimination Act of 1975, Title II of the American Disabilities Act, Title VI and Title VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972 activities of KDE.

**Consolidated Compliance Plan:** Plan developed and maintained by KDE to ensure compliance with the Age Discrimination Act of 1975, Title II of the Americans with Disabilities Act, Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and KRS 344.015.

**Discrimination:** Treatment taken toward or against a person of a certain group in consideration of or based solely on class or category.

**Recipient:** Individual or organization for whom federal funds are intended.

## **II. Overview of the Kentucky Department of Education**

The Kentucky Department of Education (KDE) is a service agency of the Commonwealth of Kentucky. The KDE provides resources and guidance to Kentucky's public schools and districts as they implement the state's P-12 education requirements. The KDE also serves as the state liaison for federal education requirements and funding opportunities.

The KDE is an agency of the state Education and Workforce Development Cabinet. The KDE is led by an appointed Commissioner of Education, who answers to the 11-member Kentucky Board of Education. Offices are administered by associate commissioners, and divisions within those offices are administered by division directors.

The KDE's mission is to prepare all Kentucky students for next-generation learning, work, and citizenship by engaging schools, districts, families, and communities through excellent leadership, service, and support.

The Kentucky Board of Education does not discriminate on the basis of race, color, national origin, sex, sexual orientation, religion, age, gender identity, genetic information, political affiliation, veteran status, or disability in employment or the provision of services.

### **A. Purpose or Mission Statement**

No person in Kentucky shall, on the grounds of age, disability, race, color, national origin, sexual orientation, gender identity, genetic information, political affiliation, or veteran status, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance.

All recipients of federal assistance through the KDE will certify that they will comply with all federal statutes relating to the Age Discrimination Act of 1975; Title II of the Americans with Disabilities Act (ADA) prohibiting discrimination on the basis of disability; Title VI of the Civil Rights Act of 1964 prohibiting discrimination on the basis of race, color, or national origin, including national origin discrimination affecting Limited English Proficiency (LEP) persons; Title VII of the Civil Rights Act of 1964 prohibiting discrimination on the basis of race, color, religion, sex, or national origin and prohibiting discrimination based

on pregnancy, age, and disability discrimination; and Title IX of the Education Amendments of 1972 prohibiting discrimination on the basis of sex. Furthermore, the KDE certifies that all staff will comply with all federal and state statutes relating to Executive Order 2008-473, and KRS 18A.138.

### **III. Scope of Applicability to Programs and Activities**

The KDE affords all individuals the opportunity to benefit from programs administered by the agency that receive federal funds.

The Age Discrimination Act of 1975 and its implementing regulations prohibit discrimination on the basis of age in programs and activities receiving federal financial assistance. This law does not permit the use of certain age distinctions and factors other than age that meet the law's requirements.

Title II of the Americans with Disabilities Act and its implementing regulations provide that no person shall be subjected to discrimination on the basis of disability.

Title VI of the Civil Rights Act of 1964 and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance. The 1994 General Assembly of the Commonwealth of Kentucky enacted Senate Bill 248 requiring state agencies to develop Title VI implementation plans by January 1, 1995. Presidential Executive Order 13166 implemented on August 11, 2000 required agencies and programs to ensure that federally funded activities be accessible to all persons, who as a result of national origin, are not proficient or are limited in their ability to communicate in the English language. Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities. The KDE provides that federally assisted programs and activities are available for all beneficiaries, including those with limited English proficiency.

Title VII of the Civil Rights Act of 1964 and its implementing regulations provide that no person shall be subjected to discrimination by covered employers on the basis of race, color, religion, sex, or national origin. Title VII has also been supplemented to prohibit discrimination based on pregnancy, age, and disability discrimination.

Title IX of the Education Amendments of 1972 and its implementing regulations provide that no person shall be subjected to discrimination based on sex under any program or activity that receives federal financial assistance.

Recipients of federal funding are prohibited from discriminating on the basis of age, disability, race, color, national origin, sex, sexual orientation or gender identity by:

- denying a person any service, financial aid or benefit extended under a program;
- providing any service, aid, or benefit to a person that is different in kind or manner from that provided to others under the program;
- subjecting a person to segregation or other discriminatory treatment in any manner related to the receipt or non-receipt of the service, aid, or benefits;
- restricting a person in any way from enjoying services, facilities, or any other advantage, privilege, property, or benefit provided to others under the program;

- treating a person differently from others in determining whether he or she satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition that people must meet to receive any service, aid, or benefit;
- denying or affording a person an opportunity to participate in a program (including the opportunity to participate as a recipient or contractor) in a way that is different from that afforded to others in the program; or
- denying a person the opportunity to participate as a member of a planning or advisory body that is an integral part of the program.

The KDE's Consolidated Compliance Plan complies with the provisions of Presidential Executive Order 13166, August 11, 2000, Improving Access to Services for Persons with Limited English Proficiency.

#### **IV. Responsible Official (Compliance Coordinator)**

The Commissioner of the KDE has overall responsibility for compliance with the provisions of the Age Discrimination Act of 1975, Title II of the American Disabilities Act, Title VI and Title VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972. The day-to-day responsibilities to oversee, implement, monitor, and enforce the KDE Consolidated Compliance Plan is assigned to the Division of Resource Management. Inquiries related to compliance activities should be directed to:

Compliance Coordinator  
 Rebecca Ogden, Assistant Director  
 Division of Resource Management  
 Kentucky Department of Education  
 500 Mero Street, 16<sup>th</sup> Floor Capital Plaza Tower  
 Frankfort, Kentucky 40601  
 Phone: 502/564-3716 Ext. 4315  
[Rebecca.ogden@education.ky.gov](mailto:Rebecca.ogden@education.ky.gov)

#### **V. Statement of Assurances**

The KDE complies with the Age Discrimination Act.

The KDE complies with Title II of the Americans with Disabilities Act.

The KDE complies with Title VI of the Civil Rights Act of 1964, the requirements of KRS 344.015 in regard to federal programs, and Executive Order 13166 of August 11, 2000, Improving Access to Services for Persons with Limited English Proficiency.

The KDE complies with Title VII of the Civil Rights Act of 1964, Kentucky Executive Order 2013-841 and KRS 18A.138.

The KDE complies with Title IX of the Education Amendments of 1972.

The KDE complies with Presidential Executive Order 11246, effective April 8, 2015 prohibiting any federal contractor and any subcontractor from engaging in employment discrimination based on sexual orientation or gender identity.

All recipients of federal funding through KDE must sign a non-discrimination clause prior to receiving any federal loan, contract, or grant. In signing this clause, the recipient certifies that it will comply with all federal statutes relating to non-discrimination. These include, but are not limited to the Age Discrimination Act of 1975, Title II of the Americans with Disabilities Act, Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin, Title VII of the Civil Rights Act of 1964 which prohibits discrimination on the basis of race, color, religion, sex, or national origin and prohibiting discrimination based on pregnancy, age, and disability, and Title IX of the Education Amendments of 1972 prohibiting discrimination based on sex.. A copy of the assurance required to be signed by all Kentucky Public School Districts can be located on KDE's website at:

<http://education.ky.gov/districts/fin/Pages/Comprehensive-District-Improvement-Plan-Funding-and-Finance.aspx>

Language regarding the 2015 Presidential Executive Order prohibiting discrimination based on gender identity shall be included in the district assurances in its next issuance to districts.

## **VI. Programs or Activities Subject to Compliance Plan**

The KDE receives federal funds from the Elementary and Secondary Education Act of 1965 as amended by the No Child Left Behind Act of 2001 (NCLB); the Carl D. Perkins Career and Technical Education Act of 2006; the Individuals with Disabilities Education Act (IDEA); the National School Lunch Program; and the American Recovery and Reinvestment Act (ARRA). The programs have various subcategories, which specify funds for particular purposes. The KDE sub-grants federal funds to recipients for the operation of the specific programs.

All recipients of federal funds will be required to comply with the guidelines under the Age Discrimination Act of 1975, Title II of the ADA, Title VI and VII of the Civil Rights Act of 1964, and Title IX of the Educational Amendments of 1972. Where authorized by federal law, all private schools wishing to participate in these programs are allowed on an equitable basis.

### **A. NCLB Title I, Part A, Improving Basic Programs Operated by Local Educational Agencies**

This is the largest federal program providing funds to local districts through the state department of education. The purpose of this program is to ensure all children have a fair, equal, and significant opportunity to obtain a high quality education and reach, at a minimum, proficiency on challenging state academic achievement standards and assessments. The funds may be used for a variety of purposes such as salaries for teachers to improve instruction, instructional materials, parent involvement activities, and professional development. This program awards funds to all public school districts and this program's beneficiaries include the at-risk students in the districts.

### **B. NCLB Title I, Section 1003(g), School Improvement Grants**

School Improvement Grants under Section 1003(g) of the NCLB are grants to state educational agencies (SEAs). SEAs, in turn, make sub grants to local educational agencies (LEAs) that demonstrate the greatest need and the strongest commitment to use the funds to provide adequate, needs-based resources in order to raise the achievement of students in their Priority Schools. The program covers 18 schools in 13 districts and the beneficiaries include all students in the served schools.

### **C. NCLB Title I, Part C, Migrant Education**

The purpose of the program is to support high quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves. It serves children of families meeting the statutory definition of migrant and provides supplemental services such as tutoring and health care, which remove barriers to success in school.

### **D. NCLB Title I, Part D, Neglected/Delinquent or At-Risk Students**

The purpose of the program is to improve educational services for children and youth in local and state institutions for neglected, delinquent, or at-risk children and youth, so that such children and youth have the opportunity to meet the same challenging state academic content standards and challenging state student academic achievement standards that all children in the state are expected to meet. These funds may be used for a variety of purposes such as providing students with the knowledge and skills needed to make a successful transition to secondary school completion, vocational or technical training, further education, and employment. This program covers all eligible facilities and the beneficiaries include all eligible students in these facilities.

### **E. NCLB Title X, Part C, McKinney Vento Homeless Education Assistance**

The purpose of the program is to ensure that homeless children and youths are afforded the same free, appropriate public education as provided to other children and youths. Competitive grants to address the needs of homeless students in districts with high poverty and high homeless count are held every 3 years. This program covers fifteen public school districts and the beneficiaries include homeless students in the districts that receive assistance under the McKinney Vento Homeless Education Assistance Act grant.

### **F. NCLB Title II, Part A, Improving Teacher Quality**

The KDE assists districts and schools with securing the talents and skills of the highest quality professionals for every classroom, school, and district in Kentucky. The allocations to local districts are designed to:

- (1) increase student academic achievement through strategies such as improving teacher and principal quality and increasing the number of highly qualified teachers in the classroom and highly qualified principals and assistant principals in schools; and
- (2) require local educational agencies and schools to be accountable for improvements in student academic achievement.

To date, Kentucky has 99% of the educator workforce identified as highly qualified. Current work includes the revision of the state NCLB Title II part A plan, creating a comprehensive system to measure teacher effectiveness, and building instructional capacity in low to moderately performing schools and districts.

### **G. NCLB Title II, Part B, Math Science Partnerships**

This program provides competitive grants for partnerships between high need school districts and higher education institutions' Science, Technology, Engineering, and/or Mathematics departments to improve content knowledge and pedagogy in mathematics and/or science. Competitions are held annually and awards are for projects lasting 2-3 years.



## **H. Perkins Career and Technical Education Improvement**

The Carl D. Perkins Career and Technical Education Improvement Act is designed to improve and expand services for students enrolled in career and technical education programs. The Perkins Act defines career and technical education programs as organized educational activities that offer a sequence of progressive courses composed of both academic and technical content.

Perkins funds are available to all school districts based upon a formula outlined in the law. The sole fiscal agent for Carl D. Perkins funding is the Kentucky Board of Education.

## **I. NCLB Title III, Language Instruction for Limited English Proficient and Immigrant Students**

This program provides formula grants for the Title III program, "Language Instruction for Limited English Proficient and Immigrant Students" of NCLB (2001), to help ensure that children who are limited English proficient (LEP), including immigrant children and youth, attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging state academic content and achievement standards as all children are expected to meet. The subgrantees include districts and consortia that meet the eligibility requirements for a subgrant under NCLB section 3114(d)(1) to carry out the activities described in NCLB Section 3115(e), such as providing translator services, tutoring, and instructional materials.

Funding is utilized to assist beneficiary English language learners via translator services, English as a Second Language classes, tutoring, etc.

## **J. NCLB Title IV, Part B, 21st Century Community Learning Centers**

Competitive grants are provided through these funds for local school districts, community and faith-based organizations as well as other qualifying private and governmental organizations to design and implement effective non-school hours programs that improve student achievement.

## **K. NCLB Title VI, Part B, Rural Education Achievement Program**

The purpose of the programs is to address the unique needs of rural school districts, that frequently lack the personnel and resources needed to compete effectively for federal competitive grants and receive formula grant allocations in amounts too small to be effective in meeting their intended purposes.

- Subpart 1 - Small, Rural School Achievement Program-The U. S. Department of Education awards these funds directly to public school districts that qualify. Districts may use the funds for the same purposes found in NCLB Title I Part A, Title II Parts A or D, Title III, Title IV Parts A or B, and Title V Part A. This program covers twelve public school districts and the beneficiaries include all students in these districts.
- Subpart 2 - Rural and Low-Income School Program- These funds are a flow-through to qualifying public school districts. Funds may be used for teacher recruitment and retention, professional development, educational technology, parental involvement activities, activities authorized under Title I Part A, Title IV Part A, and Title III. This program covers 107 public school districts and the beneficiaries include all students in the districts.

**L. NCLB Title I, Part G, Advanced Placement Test Fee/Advancement Placement Incentive Program**

The Advanced Placement Test Fee Program provides awards to enable States to cover all or part of the cost of test fees for students from low-income families who are enrolled in advanced placement classes. The NCLB requires the U.S. Department of Education Secretary to give priority to funding the Advanced Placement Test Fee Program, with remaining funds allocated to Advanced Placement Incentive Grants.

The Advanced Placement Incentive Program provides grants to eligible entities for activities that increase the participation of students from low-income families in both pre-advanced placement and advanced placement courses and tests, including teacher training and course development, coordination, and articulation.

**M. IDEA, Part B, Special Education - Grants to States**

The purpose of this program is to assist the state and local education agencies in providing special education and related services to all children with disabilities. Funds are used by the state and local educational agencies, in accordance with the IDEA, to help provide the special education and related services needed to make a free appropriate public education available to all eligible children and, in some cases, to provide early intervening services. These are funds for technical assistance (training, supplementary materials for schools) and consultative resources on exceptional children (reading, math, behavioral, areas of disability) to fulfill requirements of state performance plan.

**N. IDEA, Part B, Special Education - Preschool Grants**

Funds are provided to assist state and local education agencies in providing special education and related services to children with disabilities ages 3 through 5 years, and at a state's discretion, to 2- year- old children with disabilities who will reach age three during the school year. These are funds for identification and for services to ensure preschool children with individual education programs demonstrate improved positive social/emotional skills (including relationships) and improved acquisition of knowledge and skills.

**O. National School Lunch Program**

This program provides free or reduced breakfast and lunch to students who meet certain income guidelines.

**P. ARRA, Race to the Top Grants**

The purpose of these grants is to assist states that have made significant progress in improving the equitable distribution of qualified teachers, establishing longitudinal data systems, enhancing the quality of assessments, improving academic content and achievement standards, and providing effective support to schools identified for corrective action and restructuring. States receiving an incentive grant shall use at least 50 percent of its grants to provide school districts with sub-grants based on their most recent relative NCLB Title I allocations.

**Q. IDEA, Special Education - Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities**

The purpose of the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program is to promote academic achievement and to improve results for children with disabilities by providing technical assistance, supporting model demonstration projects, disseminating useful information, and implementing activities that are supported by scientifically based research.

#### **R. IDEA, Special Education - State Personnel Development**

The purpose of this program is to assist state educational agencies in reforming and improving their systems for personnel preparation and professional development in early intervention, educational and transition services, and to improve results for children with disabilities. As used in this program, personnel means special education teachers, regular education teachers, principals, administrators, related services personnel, paraprofessionals, and early intervention personnel serving infants, toddlers, preschoolers, or children with disabilities, except where a particular category of personnel, such as related services personnel, is identified.

#### **S. Cooperative Agreements to Promote Adolescent Health Through School Based HIV/STD Prevention and School-Based Surveillance**

The purpose of this program is to provide funding to build the capacity of state, territorial, and local (STL) agencies and support the efforts of national, non-governmental organizations (NGO) to help school districts and schools develop and implement sustainable program activities to:

- 1) Reduce HIV infection and other STD among adolescents; and
- 2) Reduce disparities in HIV infection and other STD experienced by specific adolescent sub-populations.

It is also expected that applicants' activities will reinforce efforts to reduce teen pregnancy rates.

States will also conduct the Youth Risk Behavior Survey (YRBS) and the School Health Profiles (Profiles) and will aim to improve the sexual health of high school students within their jurisdiction by delaying the onset of sexual activity; reducing the number of sexual partners; promoting the dual use of condoms and a highly effective contraceptive method among adolescents who are sexually active; increasing STD and HIV testing, counseling, and treatment; and addressing key social determinants of health to ensure we are reaching youth at most disproportionate risk for HIV infection and other STD.

#### **T. Substance Abuse and Mental Health Services Administration (SAMHSA), Now is the Time Project AWARE (Advancing Wellness and Resilience in Education) State Educational Agency Program**

The purpose of the grant is to build and expand the capacity of state educational agencies to increase awareness of mental health issues among school-aged youth, provide training for school personnel and other adults who interact with school-aged youth to detect and respond to mental health issues in children and young adults, and connect children, youth, and families who may have behavioral health issues with appropriate services. The intent of NITT-AWARE-SEA is to develop a comprehensive, coordinated, and integrated program for advancing wellness and resilience in educational settings for school-aged youth.

## U. Federal Program Chart

<b>Federal Program</b>	<b>CFDA#</b>	<b>Type of Assistance</b>	<b>Manner of Deliver</b>	<b>Coverage/Potential Beneficiaries</b>
NCLB Title I, Part A, Improving Basic Programs Operated by Local Educational Agencies	84.010	Formula Grant	Reimbursement	Local education agencies
NCLB Title I, Section 1003(g), School Improvement Grants	84.377	Formula Grant	Reimbursement	Local education agencies
NCLB Title I, Part C, Migrant Education	84.011	Formula Grant	Reimbursement	Local education agencies
NCLB Title I, Part D, Neglected/Delinquent or At-Risk Students	84.013	Formula Grant	Reimbursement	Local education agencies
NCLB, Title II, Part A, Improving Teacher Quality	84.367	Formula Grant	Reimbursement	Local education agencies
NCLB, Title II, Part B Math Science Partnerships	84.366	Formula Grant	Reimbursement	Local education agencies/universities/ educational cooperatives
Perkins Career and Technical Education Improvement	84.048	Formula Grant	Reimbursement	Local education agencies/universities/
<b>NCLB Title III, Language Instruction for Limited English Proficient and Immigrant Students</b>	84.365	Formula Grant	Reimbursement	Local education agencies
NCLB, Title IV, Part B, 21st Century Community Learning Centers	84.287	Formula Grant	Reimbursement	Local education agencies/universities/ non-profit entities
NCLB, Title VI, Part B, Rural Education Achievement Program	84.358	Formula Grant	Reimbursement	Local education agencies
NCLB, Title X, Part C, McKinney-Vento Homeless Education Assistance	84.196	Formula Grant	Reimbursement	Local education agencies

IDEA, Part B, Special Education - Preschool Grants	84.173	Formula Grant	Reimbursement	Local education agencies and universities
IDEA, Part B, Special Education - Grants to States	84.027	Formula Grant	Reimbursement	Local education agencies, educational cooperatives and universities
National School Lunch Program	10.556 10.558 10.559 10.560 10.579 10.582	Formula Grant	Reimbursement	Local education agencies, child care centers and adult care centers
ARRA, Race To The Top Grants	84.413	Project Grant	Reimbursement	Local education agencies
IDEA, Special Education - Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities-Deaf-Blind	84.326	Project Grant	Reimbursement	Universities
IDEA, Special Education - State Personnel Development	84.323	Project Grant	Reimbursement	Universities and educational cooperatives
NCLB, Title I, Part G, Advanced Placement Test Fee/Advancement Placement Incentive Program	84.330	Project Grant	Reimbursement	Local education agencies
Cooperative Agreements to Promote Adolescent Health through School- Based HIV/STD Prevention and School-Based Surveillance	93.079	Cooperative Agreement	Reimbursement	Local education agencies
Substance Abuse and Mental Health Services Administration (SAMHSA), Now is the Time Project AWARE (Advancing Wellness and Resilience in Education) State Educational Agency Program	93.243	Project Grant	Reimbursement	Local education agencies and state agency partners

## **VII. Complaint Procedures**

Any person alleging discrimination based on age, disability, race, color, sex, national origin, sexual orientation, gender identity, genetic information, political affiliation, or veteran status by the KDE, its staff, its students, or third parties, has a right to file a complaint with KDE. The KDE is a conduit for federal money to the local school districts and ensures the local school districts' compliance with federal financial grants; however complaints alleging discrimination based on age, disability, race, color, sex, national origin, sexual orientation, gender identity, genetic information, political affiliation, or veteran status by the local school districts or its staff should be directed to the local school district level and handled pursuant to local board policy.

### **A. Filing of Complaints**

Complaints alleging discrimination under the Age Discrimination Act of 1975, Title II of the American Disabilities Act, Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, or Title IX of the Education Amendments of 1972 by the KDE, its staff, students, or third parties, may be filed with:

Compliance Coordinator  
Rebecca Ogden, Assistant Director  
Division of Resource Management  
Kentucky Department of Education  
500 Mero Street, 16<sup>th</sup> Floor Capital Plaza Tower  
Frankfort, Kentucky 40601  
Phone: 5025/564-3716 Ext. 4315  
[Rebecca.ogden@education.ky.gov](mailto:Rebecca.ogden@education.ky.gov)

All complaints must be submitted in writing. Complaints must be filed within one hundred eighty (180) calendar days of the alleged discrimination and should contain the following information:

- Name, address, and telephone number of the complainant, if known;
- The location and name of the entity delivering the service;
- The nature of the incident that led the complainant to believe discrimination was a factor;
- The basis of the complaint, i.e. race, color, or national origin;
- Names, addresses, and phone numbers of people who may have knowledge of the event;
- The date or dates on which the alleged discriminatory event or events occurred.

### **B. Complaint Process**

Upon receipt of the written complaint by an individual or at the time the compliance coordinator becomes independently aware of the actions that may constitute a violation of the Age Discrimination of 1975, Title II of the ADA, Title VI or VII of the Civil Rights Act, or IX of the Education Amendments of 1972, the compliance coordinator shall send an acknowledgement of the complaint to any identified complainant and shall investigate the claim. The KDE assures that the investigation shall be adequate, reliable, and impartial, and include the opportunity for the parties to present witnesses and other evidence. The compliance coordinator shall initiate an investigation upon receipt of a written complaint or the time the compliance coordinator becomes independently aware of the actions that may constitute a violation of the above laws.

The compliance coordinator shall render a determination and recommend specific actions to resolve the complaint within ninety (90) calendar days of receipt. The compliance coordinator shall file a report to the KDE's Office of Guiding Support Services.

Any complaints received by the compliance coordinator shall be maintained in a log including date of receipt, determination, and action taken. The complaint log shall be retained for a period of no less than four (4) years. Within thirty (30) calendar days of the completion of the investigation, the complainant and any specific individual accused in the complaint of violating the above described laws shall be notified in writing of the results of the investigation and any actions taken. The KDE shall maintain the confidentiality of the complaint and the name of the complainant.

### **C. Withdrawal of Complaint**

The complainant may withdrawal his/her complaint at any time during the process by notifying the compliance coordinator in writing.

### **D. Appeals**

The complainant may file a written appeal of the compliance coordinator's resolution of the complaint within thirty (30) calendar days of the receipt of the written notice of resolution. Appeals shall be filed with the KDE's General Counsel, Office of Guiding Support Services, 500 Mero Street, CPT 131, Frankfort, Kentucky 40601. The complainant shall be notified of the final resolution of the appeal within sixty (60) calendar days of the receipt of the appeal. This appeal opportunity constitutes the second and final level in the agency's complaint process.

## **VIII. Compliance/Noncompliance Reporting**

The KDE shall make every effort to regulate, monitor, review, and report on the federal programs to assure compliance. Upon receipt of a complaint by an individual or at the time the compliance coordinator becomes independently aware of the actions that may indicate non-compliance, an investigation shall be initiated and completed within ninety (90) calendar days. The KDE assures that the investigation shall be adequate, reliable, and impartial, and include the opportunity for the parties to present witnesses and other evidence. The investigation shall include a review of the pertinent practices and policies of the recipient, the circumstances under which the possible non-compliance occurred, and other factors relevant to determining whether the recipient is non-compliant. If there is no basis for the complaint, the individual and/or program area shall be notified of the fact in writing. If there is a basis for the complaint the compliance coordinator shall notify in writing the complainant and the individual and/or program area accused of discrimination of the following: the violation, the corrective action to be taken, and the timetable for the corrective actions to be implemented. Corrective actions shall be completed within sixty (60) calendar days of receipt of notice. Employees refusing to voluntarily comply with the Age Discrimination Act of 1975, Title II of the ADA, Title VI or VII of the Civil Rights Act, and Title IX of the Educational Amendments of 1972 or to comply with the directed corrective actions may face disciplinary action up to and including suspension or termination.

Annually, the compliance coordinator shall accumulate all complaints (the Age Discrimination Act of 1975, Title II of the ADA, Title VI and Title VII of the Civil Rights Act, and Title IX of the Educational Amendments of 1972) filed during the year for each federal program and shall report those to the KDE, Office

of Guiding Support Services. The report shall include a summary of the complaint, a description of the process used to evaluate the complaint, the findings, and actions implemented to correct deficiencies.

## **IX. Agency Training Plan**

This Compliance Plan and complaint procedures are disseminated to all employees. The KDE informs new employees and contractors of the Department's compliance with all federal and state laws barring discrimination. All new employees and contractors in the agency receive orientation material regarding discrimination and must certify they will comply with all federal statutes relating to the Age Discrimination Act of 1975, Title II of the American Disabilities Act, Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972.

The compliance coordinator is available to answer any questions and to ensure adequate training and understanding.

To improve staff knowledge, capability, and effectiveness, the KDE provides diversity and sexual harassment training. Training may be conducted by a trainer from the Education and Workforce Development Cabinet or completed via an on-line course or within a classroom at the Governmental Services Center (GSC). Completion of these trainings is mandatory for all employees, including full-time, part-time, interim, and contractors.

## **X. Goals and Evaluation Procedures**

The KDE is an equal opportunity employer. Employment goals are established in compliance with the Kentucky Board of Education minority employment goal and the state affirmative action plan.

### **A. GOALS**

The Department establishes the following goals:

1. No applicant and/or eligible individual shall be excluded from participation in any covered program or activity on the basis of disability, race, color, national origin, sex, sexual orientation, age, gender identity, genetic orientation, political affiliation, or veteran status;
2. No applicant and/or eligible individual shall be denied the benefits of any covered program or activity on the basis of disability, race, color, national origin, sex, sexual orientation, age, gender identity, genetic orientation, political affiliation, or veteran status;
3. No applicant and/or eligible individual shall be otherwise subjected to discrimination under any covered program or activity on the basis of disability, race, color, national origin, sex, sexual orientation, age, gender identity, genetic orientation, political affiliation, or veteran status; and
4. That substantiated complaints, if any, shall continuously decrease and be resolved to the satisfaction of all parties.



The KDE's internal process to meet the above goals and for ensuring a diverse workforce includes the following:

- Interview panels must contain a minimum of three (3) people, one (1) of whom must be a minority;
- A minimum of three (3) candidates must be interviewed, one (1) of whom must be a minority if qualified and identified.

This process is monitored and enforced by the Division of Resource Management. Bimonthly, the compliance coordinator provides written progress reports containing statistical data on employment at the agency to the Kentucky Board of Education.

In an effort to provide corrective procedures, the KDE attempts to update personnel and contractors on the continual importance of equitable practices that provide equal opportunities and fair and agreeable work environments.

Training for staff is arranged by the Division of Resource Management.

## **B. EVALUATION – Plan Deficiencies, Updates, and Corrective Procedures**

The KDE shall evaluate and measure its goals in the following manner:

- The compliance coordinator shall annually review the Compliance Plan to identify deficiencies and existing needs; and shall provide updates, corrections, or changes to the Auditor of Public Accounts and the Kentucky Human Rights Commission by July 1 of each year;
- The compliance coordinator shall submit a report annually to the KDE, Office of Guiding Support Services on all complaints filed under the Age Discrimination Act of 1975, Title II of the ADA, Titles VI and VII of the Civil Rights Act, and Title IX of the Education Improvements of 1972, investigated, substantiated, and resolved by the KDE;
- The compliance coordinator shall submit quarterly reports to the Personnel Cabinet's Office of Diversity and Equality;
- The KDE's Compliance Plan shall be available to all staff;
- The Division of Resource Management shall provide information to all staff regarding discrimination and will incorporate this information in the new employee orientation training.

The federal grants awarded to the KDE identify covered program evaluation standards and indicators to be included within the state plans to assess service delivery and consumer satisfaction. Customer satisfaction surveys, on-site monitoring and program evaluations provide tools to assess service delivery consistent with the Age Discrimination Act of 1975, Title II of the ADA, Title VI and VII of the Civil Rights Act, and Title IX of the Education Amendments of 1972 goals.

## **XI. Public Notice and Outreach**

Information regarding the KDE's programs, resources, services, and positions are available to all without regard to age, disability, race, color, sex, national origin, sexual orientation, age, gender identity, genetic orientation, political affiliation, or veteran status at [www.education.ky.gov](http://www.education.ky.gov). The KDE's Compliance Plan is also available to all on this site.

Additionally, the Office of Career and Technical Education area technology centers must publish a classified advertisement in a well-circulated newspaper in the service area of the institution. It must affirm their nondiscrimination policy statement and identify their Equal Employment Opportunity Coordinator's name, address and telephone number. A brief summary of vocational programs and admission criteria should be included in the announcement.

## **XII. Recordkeeping and Reporting**

Complaints received by the KDE shall be handled by the compliance coordinator. Any complaints received by the coordinator shall be maintained in a log including date of receipt, determination, and action taken. The complaint log shall be retained for a period of no less than four (4) years.

Changes in the Compliance Plan shall be provided to all employees including contractors and will be forwarded to the State Auditor. The Compliance Coordinator shall ensure that updates are disseminated to all staff, including federal grant coordinators, and the coordinators shall ensure that all grant recipients have been notified of the Compliance Plan and compliance process.

Each office/division in the KDE maintains a data collection system concerning statistical characteristics of its applicants and beneficiaries of covered programs. Service delivery and outcomes statistics are collected and reported annually to federal oversight agencies. Program audits are conducted by federal regional program coordinators.

Requisite programmatic and statistical records for compilation and reporting under this section shall be maintained by the office/division in the KDE for the time periods required by law or until resolution of a pending complaint or audit initiated during that time period consistent with the provisions of Titles 29 & 34 of the Code of Federal Regulations.

Offices/divisions in the KDE are tasked with collecting data demonstrating the participation of members of protected classes in programs and activities.

## **XIII. Representation on Agency Board**

Pursuant to KRS 156.029, a board appointed by the Governor of the Commonwealth governs the KDE. The board consists of eleven (11) members appointed by the Governor, with the president of the Council on Postsecondary Education serving as an ex officio nonvoting member. The current Kentucky Board of Education consists of nine (10) members:

- 1-African American Male
- 1-Hispanic or Latino Male
- 5-White Males
- 3-White Females

**A. KDE Staff (as of 4/30/2015)**

<b>Race</b>	<b>Number</b>	<b>Percentage</b>
White	1149	93%
Black/African American	69	6%
Hispanic/Latino	6	0.5%
American Indian/Alaskan Native	1	0.0%
Asian	2	0.1%
Native Hawaiian/Other Pacific Islander	0	0%
Two or More Races	5	0.4%
Other	0	0%
Total	1232	100%
Total White	1149	93%
Total Minority	83	7%

## **APPENDIX**

## **Policy Statement on Diversity**

The Kentucky Department of Education (KDE) recognizes that continued success in meeting the needs of our customers, both internal and external, requires the full and active participation of talented and committed individuals regardless of their race, color, national origin, sex, age, religion, sexual orientation, gender identity, genetic information, veteran status, or disability. By fostering an atmosphere of acceptance and support, we can begin to value and appreciate the strengths afforded by the differences, styles, ideas, and organizational contributions of each and every person.

The ultimate goal of workplace diversity will be achieved when the KDE has further enhanced its ability to recruit, retain, tap the full potential of employees at all levels, and is diverse enough to:

1. Allow all offices and area technology centers within KDE to compete for qualified employees from an increasingly diverse applicant pool;
2. Be more reflective of the population and socioeconomic circumstances of Kentucky's citizens and the areas in which KDE has employment opportunities; and
3. Eliminate biases that may be in the state government workforce.

Diversity complements the other organizational values of teamwork, leadership, empowerment, and service quality and encompasses the way we work, the work environment, and respect for people and ideas. Diversity includes everyone and everything. While its major focus may often revolve around issues of previous discrimination based on race and gender, it is not something that is defined, or limited solely by those two factors. Diversity also extends to age, personal and work history, education, function, and personality – including lifestyle, sexual orientation, gender identity, tenure with the organization, merit and non-merit status, and management or non-management position. It also encompasses varying management styles and ways of thinking, leadership abilities, skill levels, experiences, viewpoints, expressions of thoughts, and differing ways of delivering services, provided there is consistency in the values we share.

Success in diversity requires inclusion. It stresses equal opportunity and recognizes and respects the multitude of differences that employees bring to the workplace as well as acknowledges the changing “face” of the community we service. The full cooperation and affirmation of diversity by all state employees, including management, is expected.

## **Policy Statement on Harassment Prevention**

The Kentucky Department of Education (KDE) does not tolerate harassment of any kind. All employees must avoid offensive or inappropriate behavior at work and are responsible for assuring that the workplace is free from harassment at all times. Types of prohibited conduct include, but are not necessarily limited to: harassment because of one's race, color, national origin, sex, age, religion, sexual orientation, gender identity, genetic information, veteran status, disability, or political affiliation.

Examples of prohibited conduct include, but are not limited to threatening, offensive or unwelcome conduct including abusive written or verbal language directed toward an individual because of sex, race, color, age, religion, national origin, sexual orientation, gender identity, or disability; lewd or obscene comments about an individual's body, attire, or gender, including abusive comments or terminology addressed to a specific employee; vulgar or indecent gestures, language, or jokes; bringing or displaying a lewd or obscene object, book, magazine, photograph, cartoon, calendar, picture, or similar item into the workplace; or use of computers to transmit, solicit, display, or download lewd or obscene messages or materials.

Complaints of harassments shall be promptly and carefully investigated. Agencies shall ensure that employees will be free from any and all reprisal or retaliation from filing such complaints. Further, all employees are assured that they will be free from any and all reprisal and retaliation for participating in an investigation of harassment.

Any employee who has a complaint of harassment at work by anyone, including supervisors, co-workers, visitors, clients, or customers, has a duty to immediately bring the problem to the attention of his or her supervisor. If the employee's supervisor is the subject of the problem, the employee has a duty to immediately notify his or her second-line supervisor of the problem. Employees may also bring the complaint to the attention of the agency EEO Coordinator. Any supervisor receiving a complaint of harassment shall report the complaint to the agency EEO Coordinator or the State EEO Coordinator. Failure to do so shall be grounds for disciplinary action. For guidance on the complaint filing process, employees may contact the agency EEO Coordinator at (502) 564-3716 or the State EEO Coordinator at (502) 564-8000.

The investigation shall include, but shall not be limited to, interviews with all relevant persons including the complainant, the accused, and other potential witnesses. Employees are assured that the privacy of the complainant and the person accused of harassment shall be protected to the fullest extent permitted by the circumstances.

The appropriate host agency will review its findings with the complainant at the conclusion of the investigation. If the investigation reveals that the complaint appears to be valid, immediate and appropriate corrective action, up to and including discharge will be taken to stop harassment and prevent its recurrence.

## **Policy Statement on the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments (ADAA)**

The Kentucky Department of Education (KDE) is committed to the full implementation of the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments (ADAA). It is the policy of the KDE to maximize the full inclusion and integration of people with disabilities in all aspects of employment and all programs, services, and activities.

All employees must comply with the following policies regarding the ADA & ADAA:

- **Discrimination Prohibited:** Employees with disabilities who are otherwise qualified shall not be discriminated against in any areas of employment including, but not limited to, job application and compensation procedures, fringe benefits available by virtue of employment, and activities sponsored by the state.
- **Limiting, Segregating, and Classifying:** Employees with disabilities shall not be limited, segregated, or classified in a way that adversely affects their employment opportunities or status.
- **Contractual or Other Arrangements:** The KDE shall not participate in contractual or other arrangements or relationships that would subject qualified employees with disabilities to the discrimination prohibited by the ADA and ADAA.
- **Reasonable Accommodations:** The KDE shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified employee with a disability, unless it can be shown that the accommodation would impose an undue hardship on the agency. After a qualified employee requests reasonable accommodation, all agencies shall make every reasonable effort to find out what is needed and provide the appropriate accommodations. This is to be an interactive process with the agency consulting with the employee with a disability.
- **Retaliation and Coercion:** The KDE shall not coerce, intimidate, threaten, harass, or interfere with any individual exercising or enjoying his or her rights under the ADA or because that individual aided or encouraged any other individual in the exercise of rights granted or protected by the ADA. Employees who believe they have been adversely impacted in violation of this policy may file a complaint as set forth in the KDE Consolidated Compliance Plan or as outlined in the Employee Grievances and Complaints section of the Personnel Cabinet employee handbook.



## Kentucky Department of Education

### DISCRIMINATION/HARASSMENT COMPLAINT FORM

You do not have to use this form to file a complaint with the Kentucky Department of Education (KDE). You may send KDE a letter or e-mail instead of this form, but the letter or e-mail must include the information in items one through nine and item fourteen of this form. If you decide to use this form, please type or print all information and use additional pages if more space is needed.

1. Name of person filing this complaint:

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ Middle Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Home Telephone: \_\_\_\_\_ Work Telephone: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

2. Name of person discriminated against (if **other** than person filing). If person discriminated against is age 18 or older, we will need that person's signature on this complaint form and the consent/release form before we can proceed with this complaint. If the person is a minor, and you do not have the legal authority to file a complaint on the student's behalf, the signature of the child's parent or legal guardian is required.

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ Middle Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Home Telephone: \_\_\_\_\_ Work Telephone: \_\_\_\_\_

E-mail Address: \_\_\_\_\_



3. KDE investigates discrimination complaints against KDE staff, students, or third parties, and KDE program areas receiving and/or administering funds from the U.S. Department of Education that are subject to the provisions of with the Age Discrimination Act of 1975, Title II of the Americans with Disabilities Act, Title VI of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972. KDE also investigates discrimination complaints against KDE staff, students, or third parties, and KDE program areas subject to Title VII of the Civil Rights Act of 1964. Please identify the staff member, student, third party, or KDE program area that engaged in the alleged discrimination. If we cannot accept your complaint, we will attempt to refer it to the appropriate agency and will notify you of that fact.

Name of Individual: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Program Area (if known) \_\_\_\_\_

4. The regulations KDE enforces prohibit discrimination/harassment on the basis of race, color, national origin, sex, sexual orientation, religion, age, gender identity, genetic information, political affiliation, veteran status, disability, or retaliation. Please indicate the basis of your complaint:

Discrimination/Harassment based on:

Race	Color	National Origin	Sex	Sexual Orientation
Religion	Age	Gender Identity	Genetic Information	
Political Affiliation	Veteran Status		Disability	Retaliation

Specify:

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5. Please describe each alleged discriminatory act. For each action, please include the date(s) the discriminatory act occurred, the name(s) of each person(s) involved and, why you believe the discrimination was because of race, disability, age, sex, etc. Also please provide the names of any person(s) who was present and witnessed the act(s) of discrimination.

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6. What is the most recent date you were discriminated against?

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7. If the allegations contained in this complaint have been filed with any other federal, state, or local civil rights agency, or any federal or state court, please give details and dates. We will determine whether it is appropriate to investigate your claim based upon the specific allegations of your complaint and the actions taken by the other agency or court.

Agency or Court: \_\_\_\_\_

Date File: \_\_\_\_\_

Case Number or Reference: \_\_\_\_\_

Results of Investigation/Findings by Agency or Court: \_\_\_\_\_

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8. If we cannot reach you at your home or work, we would like to have the name and telephone number of another person (relative or friend) who knows where and when we can reach you. This information is not required, but it will be helpful to us.

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ Middle Name: \_\_\_\_\_

Home Telephone: \_\_\_\_\_ Work Telephone: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

9. What would you like the KDE to do as a result of your complaint -- what remedy are you seeking?

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10. We cannot accept your complaint if it has not been signed. Please print your name, sign and date your complaint below.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name (Individual in Item 2)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Please mail the completed and signed Discrimination Complaint Form, your signed consent form, and copies of any written material or other documents you believe will help KDE understand your complaint to the Compliance Coordinator.

Compliance Coordinator  
Rebecca Ogden, Assistant Director  
Division of Resource Management  
Kentucky Department of Education  
500 Mero Street, 16<sup>th</sup> Floor Capital Plaza Tower  
Frankfort, KY 40601  
Phone: 502/564-3716 Ext. 4315  
Rebecca.Ogden@education.ky.gov

CONSENT FORM FOR USE OF PERSONAL INFORMATION

Complainant's Name (print or type): \_\_\_\_\_

KDE Staff Member, Student, Third Party, and/or KDE Program Area Against Which Complaint is Filed:

\_\_\_\_\_

Please sign and date section A, section B, or section C and return to the address below:

- A. I give KDE my consent to reveal my identity (and/or that of minor child/ward on whose behalf the complaint is filed) to the KDE staff member, students, third parties, and/or KDE program area alleged to have discriminated, as well as other persons or entities, if KDE, in the course of its investigation or for enforcement activities, finds it necessary to do so.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**OR**

- B. I **DO NOT** give KDE my consent to reveal my identity (and/or that of minor child/ward on whose behalf the complaint is filed). I understand that KDE may have to close this complaint if KDE is unable to proceed with an investigation without releasing my identity (and/or that of minor child/ward on whose behalf the complaint is filed).

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**OR**

- C. Alternatively, if you are not filing this complaint on your own behalf or on behalf of your own minor child/ward, you are responsible for obtaining written consent from the person on whose behalf the complaint is filed or, if he or she is a minor, that person's parent/guardian.

I have read this document, and I agree with the person who filed this complaint. I wish you to proceed with KDE's investigation and resolution process. I give my consent for KDE to reveal my identity (and/or that of my minor child/ward on whose behalf the complaint is filed) to other persons to the extent necessary for the purpose of resolution or investigation of this complaint.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date